

### **Amendments to the Drawings**

**Fig. 3** has been amended to replace “S4” with “S3”, thereby aligning the figure with its corresponding text on p. 18, lines 4 - 5 (referring to supplier “S3”) of the Specification.

**Fig. 4** has been amended to replace “S4” with “S3” (within the list shown at **420**), thereby aligning this figure with the amendment to **Fig. 3**.

No new matter has been introduced with these drawing amendments.

## **REMARKS**

The Specification and Drawings have been amended. Claims 1, 5, 7 - 8, 11 - 13, and 18 - 19 have been amended to clarify the subject matter which Applicants regard as their invention. Claims 20 - 21 have been added. No new matter has been introduced with these amendments or added claims, all of which are supported in the specification as originally filed. Claim 2 has been cancelled from the application without prejudice. Claims 1 and 3 - 21 are now in the application.

### **I. Proposed Replacement Drawings**

Proposed replacement drawings are provided herewith for **Figs. 3 - 4**, as discussed above in “Amendments to the Drawings”. No new matter has been introduced with these proposed replacement drawings.

### **II. Claim Objections**

Page 2 of the Office Action dated November 6, 2006 (hereinafter, “the Office Action”) states that Claim 19 is objected to because of use of the term “computer-readable media”. Applicants have amended this claim as requested by the Examiner, and the Examiner is respectfully requested to withdraw this objection.

### **III. Rejection under 35 U. S. C. §101**

Page 2 of the Office Action further states that Claim 18 is rejected under 35 U.S.C.

§101 as being directed to non-statutory subject matter. Applicants have inserted the claim element “a geospatially-enabled database system, operable on at least one computer” on line 3 of Claim 18. Applicants respectfully submit that this change resolves the Examiner’s concern, and accordingly, the Examiner is respectfully requested to withdraw this §101 rejection.

IV. Rejection under 35 U. S. C. §102(e)

Page 3 of the Office Action states that Claims 1 - 19 are rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent 6,804,714 to Tummalapalli (hereinafter, “Tumma”). This rejection is respectfully traversed.

Amendments are provided herein for independent Claims 1, 5, 18, and 19 to more clearly specify limitations of Applicants’ claimed invention, and Applicants respectfully submit that these independent claims are patentably distinct from Tumma, as will now be demonstrated.

As the Federal Circuit stated in *W.L. Gore & Associates v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984), “Anticipation requires the disclosure in a single prior art reference of *each element* of the claim under consideration.” (emphasis added). A finding of anticipation further requires that there must be no difference between the claimed invention and the disclosure of the cited reference as viewed by one of ordinary skill in the art. See *Scripps Clinic & Research Foundation v. Genentech Inc.*, 927

F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). In particular, the Court of Appeals for the Federal Circuit held that a finding of anticipation requires absolute identity for each and every element set forth in the claimed invention. See *Trintec Indus. v. Top-U.S.A. Corp.*, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002).

With reference to independent Claim 1, the Office Action cites col. 3, lines 55 - 58 *et seq.* and col. 5, lines 11 - 13 *et seq.* from Tumma. Applicants respectfully submit that these citations do not teach each element of Claim 1, and thus, according to the holding in *W.L. Gore & Associates*, Claim 1 is not anticipated by Tumma. Column 3, lines 55 - 58 discuss “multidimensional” data. By contrast, Applicants’ Claim 1 specifies “programmatically constructing geospatial objects from the collected measurements” (Claim 1, line 4, emphasis added) and “using the constructed objects as input to geospatial operations provided by the geospatially-enabled database system” (Claim 1, lines 5 - 6, emphasis added). Col. 5, lines 11 - 13 discuss performance snapshots and deviations from thresholds.

However, Applicants find no discussion, nor any suggestion, in Tumma of geospatial operations (specified by Applicants in Claim 1, line 5) or a geospatially-enabled database system (specified by Applicants in Claim 1, line 6). Accordingly, Tumma *fails to teach each element* of Applicants’ Claim 1 (as required by *W.L. Gore*), and *fails to provide no difference* between the claimed invention and the disclosure of Tumma (as required by *Scripps Clinic*) or absolute identity for each and every element of Applicants’ Claim 1 (as required by *Trintec*).

*Indus.*). Claim 1 is therefore not anticipated by Tumma.

With reference to independent Claim 5, the Office Action cites col. 6, lines 66 - 67 *et seq.*; col. 7, lines 31 - 36 *et seq.* and lines 56 - 65; and col. 13, lines 66 - 67 *et seq.* Claim 5 specifies, in lines 8 - 9, “evaluating at least one of the one or more 3-dimensional cubes using the geospatial operations of the geospatially-enabled system” (emphasis added). Col. 6, lines 66 - 67 of Tumma discuss data collection; col. 7, lines 31 - 36 discuss “multidimensional data”; and col. 13, lines 66 - 67 discuss use of snapshots.

However, Applicants find no discussion, nor any suggestion, in Tumma of geospatial operations (specified by Applicants in Claim 5, line 9) or a geospatially-enabled system (specified by Applicants in Claim 5, line 9). Accordingly, Tumma *fails to teach each element* of Applicants’ Claim 5 (as required by ***W.L. Gore***), and *fails to provide no difference* between the claimed invention and the disclosure of Tumma (as required by ***Scripps Clinic***) or absolute identity for each and every element of Applicants’ Claim 5 (as required by ***Trintec Indus.***). Claim 5 is therefore not anticipated by Tumma.

With reference to independent Claim 18, line 3 specifies “a geospatially-enabled database system ...” (emphasis added), and lines 6 - 9 specify “... using the constructed objects as input to geospatial operations, wherein the geospatial operations are provided by the geospatially-enabled database system ...” (emphasis added). The Office Action cites col. 3,

lines 55 - 58 *et seq.*; col. 5, lines 11 - 13 *et seq.*; and col. 7, lines 31 - 33 *et seq.* from Tumma

Applicants have discussed the citations from col. 3 and col. 5 above with reference to Claim 1, and the citation from col. 7 is discussed above with reference to Claim 5; the above-presented arguments apply equally to Claim 18. As has been discussed above, references in Tumma to “multidimensional data” are not the same as Applicants’ claimed geospatial operations (Claim 18, lines 6 and 7) or Applicants’ claimed geospatially-enabled database system (Claim 18, lines 3 and 7). Accordingly, Tumma *fails to teach each element* of Applicants’ Claim 18 (as required by **W.L. Gore**), and *fails to provide no difference* between the claimed invention and the disclosure of Tumma (as required by **Scripps Clinic**) or absolute identity for each and every element of Applicants’ Claim 18 (as required by **Trintec Indus.**). Claim 18 is therefore not anticipated by Tumma.

With reference to independent Claim 19, lines 10 - 12 specify “... evaluating at least one of the one or more 3-dimensional cubes using geospatial operations of a geospatially-enabled system” (emphasis added). The Office Action cites col. 3, lines 55 - 58 *et seq.*; col. 5, lines 11 - 13 *et seq.*; col. 7, lines 31 - 33 *et seq.* and lines 56 - 65; and col. 13, lines 66 - 67 *et seq.* from Tumma. Applicants have discussed the citations from col. 3 and col. 5 above with reference to Claim 1, and the citations from col. 7 and col. 13 are discussed above with reference to Claim 5; the above-presented arguments apply equally to Claim 19. As has been discussed above, references in Tumma to “multidimensional data” are not the same as Applicants’ claimed geospatial operations (Claim 19, line 11) or Applicants’ claimed geospatially-enabled system (Claim 19, line 12). Accordingly, Tumma *fails to teach each*

element of Applicants' Claim 19 (as required by ***W.L. Gore***), and *fails to provide no difference* between the claimed invention and the disclosure of Tumma (as required by ***Scripps Clinic***) or absolute identity for each and every element of Applicants' Claim 19 (as required by ***Trintec Indus.***). Claim 19 is therefore not anticipated by Tumma.

Dependent Claims 3 - 4 and 6 - 17 are deemed patentable by virtue of (at least) the patentability of the independent claims from which they depend. The Examiner is therefore respectfully requested to withdraw the §102 rejection of all claims as currently presented.

V. Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding objections and rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

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Attachments: Replacement Sheets (2)